

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

KENNETH B. PITCHER, et al.,

Plaintiffs,

v.

LAWRENCE WALDMAN, et al.,

Defendants.

Case No. 1:11-cv-148

Weber, J.
Bowman, M.J.

ORDER

Although the Court's deadline for the completion of discovery has now passed, the Court convened a telephonic conference to resolve a fourth discovery dispute in the above-captioned case. The background of this case has been related in orders concerning prior discovery disputes, as well as in a recent Report and Recommendation concerning cross-motions for summary judgment (Doc. 95), and therefore is not repeated.

The instant dispute concerns Plaintiffs' objections to production of the corporate tax return(s) of Plaintiffs' accounting firm, and Defendant Waldman's objection to responding to Plaintiffs' request for information produced by Waldman to a U.S. Department of Treasury official.¹ Having reviewed the parties' informal submissions to this Court,² and

¹The parties also sought the Court's guidance concerning a discovery dispute in Civil Action No. 1:12-cv-215. Although the cases appear to be related, they are formally not docketed as associated cases. Because the presiding district judge had not referred the 2012 case to the undersigned magistrate judge at the time of the conference, the parties agreed to defer discussion unless and/or until such time as an order of reference was entered. Following the conference in this case, the parties contacted Judge Weber, and obtained the necessary order of reference, see Doc. 26. As soon as practicable, counsel shall call the Court to schedule a separate telephonic conference to address issues presented in Civil Action 1:12-cv-215.

²At the direction of the Court and pursuant to local practice, the parties have presented all discovery disputes to the undersigned through informal correspondence not filed of record.

having heard oral argument, **IT IS ORDERED:**

1. Plaintiffs shall produce to Defendants' counsel, **for attorney's eyes only**, the corporate tax return of Pitcher, Enders & Drohan for 2010, plus any amendments to that return that may have been filed. Defense counsel shall not disclose the corporate tax return to any person or entity other than to his expert, Howard Richshafer. Counsel shall ensure that Mr. Richshafer remains bound by the same confidentiality provisions.

2. Defendant Waldman shall provide a verified statement of the list of documents that he previously provided to Kerry Johnson, concerning any of the Plaintiffs in this case. Plaintiffs are prohibited from using this verified statement for any purpose outside of this specific federal litigation, including but not limited to any ongoing state court litigation.

s/ Stephanie K. Bowman

Stephanie K. Bowman
United States Magistrate Judge